

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

HABEAS CORPUS RESOURCE CENTER,
et al.,

Plaintiffs-Appellees,

v.

UNITED STATES DEPARTMENT OF JUSTICE,
et al.,

Defendants-Appellants.

No. 14-15205

**CONSENT MOTION FOR A 30-DAY EXTENSION OF TIME
IN WHICH TO FILE APPELLANTS' BRIEF**

The government hereby respectfully moves for a 30-day extension of time, to and including April 2, 2014, within which to file an opening brief as appellant in this case. The reasons for this motion are explained in the accompanying declaration of counsel. Counsel for the appellees have authorized us to state that they do not oppose this motion.

Respectfully submitted,

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**DECLARATION OF COUNSEL IN SUPPORT OF
CONSENT MOTION FOR A 30-DAY EXTENSION
OF TIME IN WHICH TO FILE APPELLANTS' BRIEF**

I, Samantha L. Chaifetz, state as follows:

1. This is an appeal from the district court's December 4, 2013 order granting plaintiffs-appellees' motion for a preliminary injunction. The government's opening brief as appellant is currently due on March 3, 2014. The United States respectfully requests a 30-day extension of time, to and including April 2, 2014, for filing its brief. This request for time is unopposed. The government has not previously sought any extension of time.

2. This case involves a challenge to regulations issued by the Department of Justice in September 2013. Plaintiffs challenged the rulemaking under the Administrative Procedure Act and Due Process Clause. The district court granted a

preliminary injunction preventing the rule from taking effect. The court's ruling raises multiple issues as it invokes various substantive and procedural grounds. This unopposed request for a 30-day extension is necessary to permit coordination among all interested federal offices and to allow for the preparation of the government's brief in light of other appellate deadlines of government counsel.

3. Michael S. Raab and Samantha L. Chaifetz are the attorneys with the Appellate Staff of the Civil Division of the U.S. Department of Justice in Washington, D.C., with responsibility for the government's briefs in this case.

4. The requested extension is necessary in light of deadlines in other appellate matters for which government counsel are responsible. Mr. Raab has supervisory responsibility for the government's amicus brief due February 18 in *Dilts v. Penske Logistics, LLC*, No. 12-55705 (9th Cir.); response brief due February 19 in *Selman v. U.S. Dep't of Health and Human Services*, No. 13-55937 (9th Cir.) (on second extension); reply brief due February 21 in *United States ex rel. Omar Badr v. Triple Canopy, Inc.*, Nos. 13-2190, 2191 (4th Cir.); reply brief due February 27 in *Hodge v. Talkin*, No. 13-5250 (D.C. Cir.) (on extension); response brief due February 27 in *American Public Gas Ass'n v. Dep't of Energy*, No. 11-1485 (D.C. Cir.); response brief due March 5 in *In re Washington Group Int'l, Inc.*, No. 13-60107 (9th Cir.) (on extension); response/reply due March 6 in *Bonidy v. U.S. Postal Service*, Nos. 13-1374, 13-1391 (10th Cir.); supplemental

brief due March 12 in *Dearth v. Holder*, No. 12-5305 (D.C. Cir.); response brief due March 14 in *United States v. United Technologies*, No. 13-4057 (6th Cir.); and opening brief due March 20 in *United States v. Bollinger*, No. 13-30301 (5th Cir.). Ms. Chaifetz's responsibilities included the government's amicus filing in *Troy v. Samson Manufacturing Corp.*, No. 13-1565 (Fed. Cir.), on February 12.

5. Government counsel have exercised diligence and will continue to do so. This request for a 30-day extension is made in light of the need for additional time to permit consultation with the interested offices within the Department of Justice and the preparation of a filing addressing all of the issues raised by the district court's order.

6. We have conferred with counsel for the appellees, and they have authorized us to state that they do not oppose the requested 30-day extension.

For the foregoing reasons, we respectfully request that the Court grant the United States a 30-day extension of time, to and including April 2, 2014, in which to file a brief.

Respectfully submitted,

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February 2014

CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2014, the foregoing motion for the United States and accompanying declaration was filed electronically with the Court by ECF and served electronically by ECF on counsel.

/s/ Samantha L. Chaifetz

SAMANTHA L. CHAIFETZ
Counsel for the United States